IN THE HIGH COURT OF BOMBAY AT GOA

APPEAL FROM ORDER NO. 50/2003.

1. Shri Ernest Pereira,
   major, married,
   businessman, residing
   at H.No.232, Abade Faria Road,
   Margao, Salcete, Goa.

2. Smt. Jacqueline Pereira,
   wife of Shri Ernest Pereira,
   major, housewife,
   residing at H.No.232,
   Abade Faria Road,
   Margao, Salcete, Goa. ... Appellants.

VERSUS

1. Shri Atchut G. Poy
   Raiturkar,
   son of late G.G.Raiturkar,
   major, married,
   Indian National,
   residing at House No.152,
   Abade Faria Road, Margao,
   Salcete, Goa.

2. South Goa Planning
   and Development Authority,
   a Planning and Development
   Authority, constituted and
   incorporated under Goa Town
   and Country Planning Act, 1974,
   having its office at
   Dattaprasad Building, Pajifond,
   Margao, Salcete, Goa and through
   its Member Secretary.

3. Margao Municipal Council,
   A Municipal Council constituted
   and incorporated under Goa
   Municipalities Act, 1968,
   having office at Margao
   Municipal Bldg., Margao, Goa,
   through its Chief Officer. ... Respondents.

Mr. A.N.S. Nadkarni, Advocate General with Mr. H.D. Naik, Advocate for the Appellants.

Mr. S.G. Dessai, Senior Advocate with Mr. S. Dessai, Advocate for the Respondent No.1.

Mr. V.P. Thali, Advocate for the Respondent No.2.

Mr. S.D. Padiyar, Advocate for the Respondent No.3.

CORAM: R. J. KOCHAR, J.

DATE: 19TH SEPTEMBER, 2003.

ORAL ORDER:

The appellants have challenged the Order dated 24th April, 2003 in Special Civil Suit No.9/2002/A.

After hearing the learned counsel on both the sides for some time and after perusing the proceedings, I pass the following Order invitum:

1. The impugned Order is hereby quashed and set aside.

2. All the contentions of the parties are left open. The parties would be at liberty to file their further pleadings in the form of rejoinder or sur-rejoinder, if they so desire to file. All such pleadings would be completed by both the sides within a period of two weeks.

3. The Trial Court shall hear and dispose of the injunction application within a period of eight weeks from the receipt of the Order from this Court, preferably by 15th November, 2003.

4. Both the learned counsel have however fairly stated that both the parties shall maintain status quo as granted by the Trial Court till disposal of the injunction application.

Appeal is disposed of as above.

Nothing survives in the C.A. which also stands disposed of.

Office is directed to send the writ to the Trial Court immediately.

R. J. KOCHAR, J.

sl.